

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRANDON MILES SIMMERS	:	CIVIL ACTION
	:	
v.	:	NO. 06-5008
	:	
COMMONWEALTH OF	:	
PENNSYLVANIA, <i>et al</i>	:	

ORDER

AND NOW, this 7th day of May, 2007, upon consideration of the Petition for Writ of Habeas Corpus (Document No. 1), the Respondent/Commonwealth's Answer to Petition for Writ of Habeas Corpus, the Report and Recommendation filed by United States Magistrate Judge Peter B. Scuderi and no objections to the Report and Recommendation having been filed, and after a thorough and independent review of the record, it is **ORDERED** that:

- 1) The Report and Recommendation of Magistrate Judge Scuderi is **APPROVED** and **ADOPTED**;
- 2) The Petition for Writ of Habeas Corpus is **DENIED** and **DISMISSED**; and,
- 3) There is no probable cause to issue a certificate of appealability.

s/Timothy J. Savage
TIMOTHY J. SAVAGE, J.